

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

MICHAEL J. FLYNN,
Appellant,
v.
THE STATE OF FLORIDA and
J. ROBERT DURDEN,
Appellees.

1258
CASE NO. 82-1285

ORDER

IT IS HEREBY ORDERED AND ADJUDGED:

(1) That the Court's "Order" of August 11, 1982 constituting a Judgment of indirect criminal contempt is hereby vacated and adjudged to be null and void.

(2) That the subpoena from this Court served on Michael J. Flynn dated April 23, 1982 is hereby adjudged to be a nullity, and that, therefore, this Court is without threshold jurisdiction over the person of Michael J. Flynn.

(3) That the findings of this Court dated August 11, 1982 as hereinafter set forth are hereby vacated and adjudged to be null and void.

"That Michael J. Flynn be and he is hereby held in indirect criminal contempt for his conduct of rejecting the subpoena duly served upon him on the 19th day of April, A.D., 1982, and his filing of a Motion to Quash, which the Court finds not to be truthful, in that it affirmatively appears that the said Michael J. Flynn was in Clearwater, Florida, on personal business on the 23rd day of April, A.D., 1982, and wilfully failed to appear

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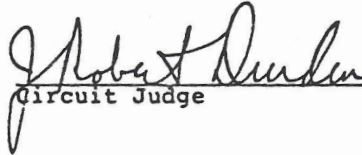
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ATTORNEY GENERAL
DAYTONA BEACH, FLA.

for the taking of his deposition. That such conduct, coupled with the untruthful verified Motion to Quash, has thwarted and interfered with the orderly processes of this Court and further interfered with the orderly disposition of this case."

(4) That the fine/sentence imposed on Michael J. Flynn in the amount of \$100.00 or 10 days in the County Jail is hereby vacated and adjudged to be null and void. The Clerk shall return to Michael J. Flynn the sum of \$100.00 paid by him as said fine/sentence.

DONE AND ORDERED in chambers at Daytona Beach,
Volusia County, Florida, the 10th. day of Feb.,
1983.


Circuit Judge